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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,681	10/11/2001	John D. Haley	2001P13207 US01	9430
7590 08/02/2004			EXAMINER	
Elsa Keller, Legal Assistant Intellectual Property Department SIEMENS CORPORATION 186 Wood Avenue South Iselin, NJ 08830			VO, TED T	
			ART UNIT	PAPER NUMBER
			2122	
DATE MAILED: 08/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,681

Applicant(s)

HALEY ET AL.

Examiner

Ted T. Vo

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001 and 15 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/11/01.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is in response to the communication filed on 10/11/2001 and the Preliminary Amendment filed on 4/15/02.

Claims 1-19 are pending in the application.

Specification

2. The disclosure is objected to because of the following informalities:

The abstract of the disclosure is objected to because content of the abstract exceeds more than 150 words in length. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because in page 12, it contains embedded hyperlinks and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-13 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen et al., (EP 0 851 368 A2).

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Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Nielsen discloses, "A system for providing a user interface display image supporting user entry of an expression, comprising:

a user interface menu generator for providing a displayable image (See Figure 2) including,

a first image window listing a plurality of selectable data items available for incorporation in an expression (See Figure 2, reference numbers 260, 265),

an image prompt element for permitting user entry of said expression and for incorporating a data item in an entered expression from said listed data items to provide a resultant expression in response to user selection of said data item in said first image window (Figure 2, reference numbers 200, 270), and

an icon for initiating storing of said resultant expression (Figure 2, reference number 275); and an expression processor for processing said resultant expression to provide a result in response to user command (Figure 2, reference numbers 280, 281, etc.).

As per Claim 2: Nielsen discloses, "A system according to claim 1, wherein said expression processor resolves said resultant expression to provide a result comprising at least one of, (a) a verification said resultant expression is true (See page 5, line 32, "proper search syntax", and see Figure 9) and (b) a computed value" (See page 6, line 9, "returning search results"; see page 7, lines 33-42).

As per Claim 3: Nielsen discloses, "A system according to claim 1, wherein said expression processor interprets said resultant expression to provide search parameters for use in identifying records in a database and provides an indication of said identified records as said result in response to a search of said database." (Figure 2, the execution of Find 280 from expression in 270 to result in 260).

As per Claim 4: Nielsen discloses, "A system according to claim 1, wherein said expression processor verifies an entered expression is valid and generates an indication as said result identifying said entered expression is invalid." (See page 5, line 32, "proper search syntax", see page 7, lines 33-42, inherent from "parsed").

As per Claim 5: Nielsen discloses, "A system according to claim 4, wherein said expression processor initiates generation of a displayed notification to a user indicating said entered expression is invalid." (See page 2, line 22, "query syntax", and see Figure 9).

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As per Claim 6: Nielsen discloses, "A system according to claim 1, wherein said displayable image includes an icon for initiating verification an entered expression is valid." (See page 6, lines 35-36, "A plurality of button 280-284 are displayed across the bottom of graphical user interface. These permit or invoke functionality useful or desirable in carrying out a search": teaching inherently "includes an icon" and "entered expression is valid". For example a query syntax included with an incorrectly operator entered by a user would inherently detected by parsing when one of these button 'icon' is clicked.).

As per Claim 7: Nielsen discloses, " A system according to claim 6, wherein said verification includes a syntax check of said entered expression." (See page 2, line 22, "query syntax", page 5, line 32, "proper search syntax").

As per Claim 8: Nielsen discloses, "A system according to claim 1, wherein said displayable image includes an image prompt element supporting user entry of a name for identifying a resultant expression." (See Figure 5).

As per Claim 9: Nielsen discloses, "A system according to claim 1, wherein said user interface menu generator provides an image window permitting user selection of a template expression from a plurality of predetermined template expressions." (See Figure 2, and see column 6, lines 28-34).

As per Claim 10: Nielsen discloses, "A system according to claim 9, wherein said image prompt element incorporates a selected template expression in response to user selection of said selected template expression." (See Figure 2, and see column 6, lines 28-34, and see Figure 5).

As per Claim 11: Nielsen discloses, "A system according to claim 1, wherein said first image window lists a plurality of selectable data items in a hierarchical structure." (See Figure 2, the database that allows the search to perform. For example, Personal Library, See reference number 470 in Figure 4).

As per Claim 12: Nielsen discloses, "A system according to claim 11, wherein said plurality of selectable data items are associated with user accessible data item descriptions." (See Figure 2, results form searching given in pull menu 265).

As per Claim 13: Nielsen discloses, "A system according to claim 1, wherein said system supports storage and retrieval of a resultant expression. (See mechanism of Figure 16B).

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As per Claim 17: Nielsen discusses, "A system for providing a user interface display image supporting user entry of an expression, comprising:

a user interface menu generator for providing a displayable image (See Figure 2) including, a first image window listing a plurality of selectable data items available for incorporation in an expression (See Figure 2, reference numbers 260, 265),

an image prompt element permitting user entry of said expression and for incorporating a data item in said entered expression from said listed data items to provide a resultant expression in response to user selection of said data item in said first image window (Figure 2, reference numbers 200, 270),

an icon for initiating verification of said resultant expression to determine said resultant expression is valid, and an icon for initiating storing of a valid resultant expression (See Figure 2, reference numbers 280-284, see page 6, lines 35-36, "A plurality of button 280-284 are displayed across the bottom of graphical user interface. These permit or invoke functionality useful or desirable in carrying out a search", and see Figure 9, teaching inherently "initiating verification" and "determine said resultant expression is valid". For example a query syntax included with an incorrectly operator entered by a user would inherently detected by parsing when one of these button 'icon' is clicked.); and

an expression processor for resolving said valid resultant expression to provide a result in response to user command." (See Figure 5).

As per Claim 18: Nielsen discusses, "A system according to claim 17, wherein said system for providing a user interface display image comprises machine executable code stored on a tangible storage medium." (See Figure 5).

As per Claim 19: Claim 19 is a method claim that has the claimed functionality corresponding to the system of Claim 17. Therefore, Claim 19 is rejected in the same reason set forth in connecting to the rejection of Claim 17.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al., (EP 0 851 368 A2).

As per Claim 14: Regarding limitation, *"A system for providing a user interface display image supporting user entry of an expression for use in deriving information associated with a patient, comprising:*

a user interface menu generator for providing a displayable image including,

a first image window listing a plurality of selectable data items available for incorporation in an expression, said plurality of selectable data items identifying at least one of,

(a) a patient,

(b) a patient physical characteristic,

(c) patient address information and

(d) patient medical record information, an image prompt element permitting user entry of said expression and for incorporating a data item in said expression from said listed data items to provide a resultant expression in response to user selection of said data item in said first image window, and

an icon for initiating storing of said resultant expression; and

an expression processor for resolving said resultant expression to provide a result in response to user command.", see rationale in Claim 1.

Neilsen does not explicitly show:

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- (a) a patient,
- (b) a patient physical characteristic,
- (c) patient address information and
- (d) patient medical record information

However, these differences are the materials/data that are only found in the nonfunctional descriptive materials. The expressions or materials/data entered in the search mechanism would be performed the same regardless of these entered materials/data. Thus, these descriptive materials will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to enter materials/data into the search mechanism from any type of data having any type of content because such materials/data do not functionally relate to the steps in the method claimed and because the subjective interpretation of the materials/data do not patentably distinguish the claimed invention.

As per Claim 15: Nielsen further discloses, "A system according to claim 14, wherein said expression includes an algebraic expression portion including one or more algebraic operators, and said user interface menu generator provides an image window permitting user selection of an algebraic expression operator from a plurality of predetermined algebraic expression operators including at least two of (a) a multiplication operator (See Figure 2, reference numbers 210, 220; see page 5, lines 56-57, "A plurality of operators");

Nielsen does not explicitly disclose, (b) a division operator, (c) an addition operator and (d) a subtraction operator. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to extend the logical operators to all the operations as they can be found in all arithmetic symbols, simply it is conforming to an arithmetic rule of an arithmetic operator.

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As per Claim 16: Nielsen further discloses, "A system according to claim 14, wherein said user interface menu generator provides an image window indicating at least one of, (a) an acceptable parameter and (b) an acceptable value, associated with a data item selected by a user via said first image window" (See Figure 2).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Szabo, US 6,326,962 B1, discloses a GUI method representing a search database.

Nguyen et al, US 6,721,729 B2, discloses a method for search and report data from databases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (703) 308-9049. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM ET. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552.

The fax phone numbers: (703) 872-9306 (for formal communication intended for entry);

(703) 746-5429 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TED T. VO

Patent Examiner

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July 23, 2004